

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2009-\_\_\_\_-W**

IN RE: Petition of the Office of Regulatory )	PETITION OF THE OFFICE OF
Staff for a Declaratory Order )	REGULATORY STAFF FOR AN
Against Carroll Norman and/or )	ORDER REQUIRING CERTIFICATION
Pine Haven Requiring )	AS A WATER UTILITY AND THE
Certification as a Water Utility and )	POSTING OF A PERFORMANCE BOND
The Posting of a Performance Bond )	
_____ )	

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina (“the Commission”) is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina and that the Commission is responsible for the regulation of water and wastewater utilities operating for compensation as set forth in S.C. Code Ann. § 58-5-10 et seq. (Supp. 2008), and that the Office of Regulatory Staff (“ORS”) is a state agency charged with the duty to represent the public interest pursuant to S.C. Code Ann. § 58-4-10 (Supp. 2008), et seq. and to make inspections, audits, and examinations of public utilities regarding matters within the jurisdiction of the Commission.

2. Upon information and belief, that Pine Haven Water System and/or Carroll Norman (“Pine Haven,” “Norman” or “Respondent”) is the owner/operator of a public well and water distribution system providing water service to approximately 45 residential customers in

the Pine Haven Subdivision and Garrett's Landing located at 4336 Jenkins Road, Clover, South Carolina.

3. That Respondent, as owner/operator of a public water system, supplies water and distribution to the residents of the Pine Haven Subdivision (herein "customers") for compensation and the rates charged for water supply and distribution have been set by Respondent which have not been established, approved, or reviewed by the Commission.

4. That the water supply and distribution system operated by Respondent meet the definition of "public utility" as that term is defined in S.C. Code Ann. § 58-5-10(4) in that it is a "corporation or person furnishing or supplying in any manner gas, heat (other than by means of electricity), water, sewerage collection, sewerage disposal....to the public, or any portion thereof, for compensation."

5. That Respondent and the water supply and distribution system which it operates are not certificated by the Commission as a public utility lawfully authorized to provide, supply, or furnish water service for compensation in the State of South Carolina. As an uncertificated water company, Respondent has never filed any of the documents, bonds, reports, or other instruments required of such companies under South Carolina law with either the ORS or the Commission.

6. Upon information and belief, that the water supply and distribution system serving the Pine Haven Subdivision has been owned and operated by Carroll Norman since 1976. The system was approved by DHEC to serve 19 taps. In 1982 a new well was built and replaced the existing well to supply 32 taps. Currently, the system is providing 25 taps to Pine Haven Subdivision as well as to Garrett's Landing, phase two of Pine Haven. Pine Haven is

planning to provide service to 45 houses upon the completion of both phases. At the request of DHEC, a second well was to be constructed. The Respondent did not seek the Commission's approval for the schedule of rates and fees charged to the customers.

7. That the Commission has jurisdiction over Respondent's water supply and distribution system pursuant to S.C. Code Ann. § 58-5-10 et seq. (Supp. 2008). Further, although Respondent has not consented to jurisdiction of the Commission, the Commission has the right, before the granting of authority or consent to any water or sewer utility regulated by the Commission for the operation, maintenance, or acquisition of any facility or system, to prescribe that the utility file with the Commission a bond with sufficient surety payable to the Commission and conditioned upon the provision by the utility of adequate and sufficient service. S.C. Code Ann. § 58-5-720 (Supp. 2008). If the Commission finds that Respondent is operating the water supply and distribution system serving the Pine Haven Subdivision for compensation it is then, by statutory definition, a "public utility" and subject to the jurisdiction of this Commission. S.C. Code Ann. § 58-5-10(4) (Supp. 2008).

8. That, therefore, Respondent, or the Pine Haven water supply and distribution system owned and operated by Respondent, must apply to the Commission for a Certificate of Public Convenience and Necessity to operate this system. Further, Respondent must have the rates and fees charged to the customers of these systems approved by the Commission under the authority granted to the Commission under § 58-5-210 (1976). Additionally, Respondent must provide to the Commission a performance bond under the provisions of S.C. Code Ann. § 58-5-720 (Supp. 2008) and such other information and reports as the Commission deems necessary.

**WHEREFORE**, the ORS prays that the Honorable Commission:

1. Inquire into the ownership of the distribution system supplying water to Pine Haven Subdivision and Garrett's Landing.

2. If the water distribution system supplying and providing water to Pine Haven Subdivision are found to be public utilities under S.C. Code Ann. § 58-5-10 *et seq.*, order Respondent or such other proper person or entity to:

(a) apply pursuant to 26 S.C. Code Regs. 103-704 for a Certificate of Public Convenience and Necessity to operate the facilities,

(b) provide a bond pursuant to S.C. Code Ann. § 58-5-720 (Supp. 2008) and that such bond be in an amount as required under 26 S.C. Code Regs. 103-712.3.1, and

(c) seek approval of rates to be charged for the provision of the utility services.

3. Order Respondent or such other identified and properly certificated owner/operator of Pine Haven Subdivision water supply and distribution, to comply with Commission rules and regulations and file information identifying the Authorized Utility Representative of that company and to file annual reports with the Commission as mandated by 26 S.C. Code Regs. 103-712.1.

4. Order Respondent or such other identified and properly certificated owner/operator of the Pine Haven Subdivision water supply and distribution system to cease charging Respondent's current rates and fees.

5. Order Respondent or such other identified and properly certificated owner/operator of the Pine Haven water supply and distribution system to file an application for a rate case seeking approval of rates pursuant to 26 S.C. Code Regs. 103-703 or upon Respondent filing an establishment case to establish a new utility.

6. For any additional action or relief which the Commission may deem necessary.



---

C. Lessie Hammonds  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201  
Ph: (803) 737-0800  
Fax: (803) 737-0895  
lhammon@regstaff.sc.gov

July 10, 2009  
Columbia, South Carolina

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**

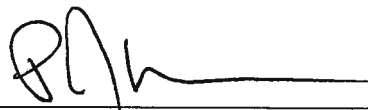
**DOCKET NO. 2009- \_\_\_\_ -W**

IN RE: Petition of the Office of Regulatory )	PETITION OF THE OFFICE OF
Staff for a Declaratory Order )	REGULATORY STAFF FOR AN
Against Carroll Norman and/or )	ORDER REQUIRING CERTIFICATION
Pine Haven Requiring )	AS A WATER UTILITY AND THE
Certification as a Water Utility and )	POSTING OF A PERFORMANCE BOND
The Posting of a Performance Bond )	
_____ )	

This is to certify that I, Pamela J. McMullan, an employee with the Office of Regulatory Staff, have this date served one (1) copy of the **PETITION FOR AN ORDER REQUIRING CERTIFICATION** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Carroll Norman  
767 Pine Haven Circle  
Clover, SC 29710

Pine Haven Water System  
4336 Jenkins Road  
Clover, SC 29710

  
\_\_\_\_\_  
Pamela J. McMullan

July 10, 2009  
Columbia, South Carolina